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Henry C. Yuen

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EXAMINER

BANTAMOI, ANTHONY

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/638,844	Applicant(s) YUEN ET AL.	
	Examiner Anthony Bantamoi	Art Unit 2609	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Cherrick et al (U.S. Patent 5,528,304), herein after referenced as Cherrick.

Regarding claim 1 Cherrick discloses a picture-in-picture feedback for channel related features which reads on "a method for channel grazing from an electronic program guide (EPG) of a television apparatus having a tuner, the method comprising: displaying a plurality of first television program listing in the first EPG mode; selecting one of the displayed first program listings in the first EPG mode; setting the tuner to a channel carrying the first program indicated by the selected first program listing; displaying the first program in a picture-in-picture window in the first EPG; changing to a second EPG mode in response to a user command; displaying the first program in the picture-in-picture mode in the second EPG mode; displaying a plurality of second television program listings in the second EPG mode; selecting one of the displayed second program listings in the second EPG mode; and in response to selecting one of

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the displayed second program listings, displaying information on the selected second program while maintaining a picture-in-picture window with the display of the first program.” In addition Cherrick discloses an on-screen menu display circuit having a table of channel choices and a cursor manipulatable to select a channel from said table for channel-related functions which reads on “displaying a plurality of first television program listing in the first EPG mode” (column 6, lines 64-66), in addition Cherrick also teaches and on-screen display for the selection of channel related functions which reads on “selecting one of the displayed first program listings in the first EPG mode” (column 6, line 25), in addition Cherrick discloses a tuner control means for changing the broadcast signal selected, which reads on “setting the tuner to a channel carrying the first program indicated by the selected first program listing” (column 7, line 6), in addition Cherrick teaches a means for displaying the main display signal in a picture-in-picture display, which reads on “displaying the first program in the picture-in-picture mode in the second EPG mode” (column 7, lines 10-12), in addition Cherrick teaches a picture-in-picture display which receive their video signal from a tuner other than the main tuner and a remote control unit for channel selection, which reads on “changing to a second EPG mode in response to a user command” (column 1, lines 15-18 and lines 38-40), in addition Cherrick discloses a means of selecting whereby the selected channel is displayed in the picture-in-picture display, which reads on “displaying the first program in the picture-in-picture mode in the second EPG mode” (column 6, lines 53-59), in addition Cherrick discloses an on-screen menu display circuit having a table of channel choices and a cursor manipulatable to select a channel from said table for

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channel-related functions which reads on “displaying a plurality of first television program listing in the second EPG mode” (column 6, lines 64-66), in addition Cherrick also teaches and on-screen display for the selection of channel related functions which reads on “selecting one of the displayed second program listings in the second EPG mode” (column 6, line 25), in addition Cherrick discloses a means of selecting whereby the selected channel is displayed in the picture-in-picture display concurrently with the display of the channel table, which reads on “in response to selecting one of the displayed second program listings, displaying information on the selected second program while maintaining a picture-in-picture window with the display of the first program” (column 6, lines 53-59).

Regarding claim 2, Cherrick teaches everything as above (see claim 1), in addition Cherrick discloses an on-screen program guide with a picture-in-picture display wherein the plurality of programs displayed in the program guide mode (77) includes the already selected program shown in the picture-in-picture display (60), which reads on “the method wherein the plurality of the second television program listings include a program listing for the first program displayed in the picture-in-picture window in the second EPG mode” (see figure 7).

Regarding claim 3, Cherrick teaches everything as above (see claim 2), in addition Cherrick discloses an on-screen program guide (77) with a picture-in-picture display (60) wherein the plurality of programs displayed on another tuner still includes the already selected program (CH 20) shown in the picture-in-picture display in a fixed position including the channel number, which reads on “the method further comprising

maintaining the program listing for the first program in a fixed position on the display screen" (see figure 7).

Regarding claim 4, Cherrick teaches everything as above (see claim 2), in addition Cherrick discloses an on-screen program guide (77) with a picture-in-picture display (60) wherein the plurality of programs displayed includes the already selected program (CH 20) shown in the picture-in-picture display (60) in a fixed position including the channel number, which reads on "the method further comprising changing the displayed plurality of the second television program listing while continuing to display the program listing for the first program" (see figure 7).

Regarding claim 5, Cherrick teaches everything as above (see claim 1), in addition Cherrick discloses a color television receiver (figure 1, item 10) with a picture-in-picture window (figure 7, item 60) to enable a user to view a program while in a program guide mode in the picture-in-picture window (figure 7, item 60) before selecting the program to be displayed in full screen format screen (figure 7, item 29) which reads on "the method further comprising a user selection of a television viewing mode and displaying the first program in full screen format" (figures 1 and 7).

Regarding claim 6, Cherrick teaches everything as above (see claim 1), in addition Cherrick discloses a color television receiver (figure 1, item 10) with memory module (figure 1, item 13) for storing channels and retrieving and displaying them in full screen format ( figure 7, item 29) at user request, which reads on "the method further comprising displaying a second program carried by a television channel in full screen format during a television viewing mode; generating a last channel listing for the

channel designation; and displaying the plurality of the first television program listings and the last channel list in the first EPG mode” (figures 1 and 7).

Regarding claim 7, Cherrick teaches everything as above (see claim 6), in addition Cherrick discloses a color television receiver (figure 1, item 10) consisting of a controller equipped with memory that controls the on-screen guide generator (79), the tuner (figure 1, item 21), the input switch (figure 1, item 64), the picture-in-picture circuitry (figure 1, item 20), and the audio processor (figure 1, item 69), video processor (figure 1, item 31), and memory module (figure 1, item 13) for storing channels, retrieving and displaying them in full screen format (figure 7, item 29) at user request by remote control unit (figure 2, item 16), which reads on “the method further comprising: receiving a selection of the displayed last channel listing; retrieving the designation of the television channel from the channel memory in response to the selection; and changing the television viewing mode to display a program carried by the television channel in full screen format” (figures 1, 2 and 7).

Regarding claim 8, Cherrick teaches everything as above (see claim 7), in addition Cherrick discloses an on-screen program guide (77) with a picture-in-picture display (60) wherein the plurality of programs displayed in another program guide mode includes the already selected program (CH 20) shown in the picture-in-picture display (60), which reads on “the method further comprising the plurality of the second television program listings and the last channel listing in the second EPG mode” (figure 7).

Regarding claim 9, Cherrick teaches everything as above (see claim 7), in addition Cherrick discloses an on-screen program guide (77) with a picture-in-picture display (60) wherein the plurality of programs displayed in another program guide mode includes the already selected program shown in the picture-in-picture display (CH 20) in a fixed position including the channel number, which reads on "the method wherein the last channel listing remains in a fixed position on the screen" (figure 7).

Regarding claim 10, Cherrick teaches everything as above (see claim 1), in addition Cherrick discloses an on-screen programming guide (77) with a real time picture-in-picture display (60), which reads on "the method wherein the first EPG mode displays television program listings of television programs broadcast at a present time" (column 2, line 57-58).

Regarding claim 11, Cherrick teaches everything as above (see claim 1), in addition Cherrick discloses an on-screen programming guide (figure 7, item 77) with a real time picture-in-picture display (figure 7, item 60) also display program listings at present and future times (figure 7, item 81), which reads on "the method wherein the second EPG mode display television program listings of television programs to be broadcast at a present time and at a future time by the channel carrying the first program" (column 2, line 57-58 and figure 7).

Regarding claim 12, Cherrick teaches everything as above (see claim 1), in addition Cherrick discloses an on-screen programming guide (77) that displays program listings at future times (see days of the week in item (77)), which reads on "the method

wherein the second EPG mode display television program listings of all television programs to be broadcast at a designated future time” (figure 7).

Regarding claim 13, Cherrick discloses a television system comprising: a memory for storing a plurality of first and second program listings (figure 1, item 13); a tuner (figure 1, item 21); a display (figure 1, item 51); a picture-in-picture window (figure 1, item 51); a user input device (figure 2); and a processor coupled to the memory (figure 1, item 31), tuner, display, picture-in-picture window, and user input device, wherein the processor is configured to perform the method of claim 1:

“displaying a plurality of first television program listing in the first EPG mode; selecting one of the displayed first program listings in the first EPG mode; setting the tuner to a channel carrying the first program indicated by the selected first program listing; displaying the first program in a picture-in-picture window in the first EPG; changing to a second EPG mode in response to a user command; displaying the first program in the picture-in-picture mode in the second EPG mode; displaying a plurality of second television program listings in the second EPG mode; selecting one of the displayed second program listings in the second EPG mode; and in response to selecting one of the displayed second program listings, displaying information on the selected second program while maintaining a picture-in-picture window with the display of the first program”, therefore claim 13 is interpreted and thus rejected for the same reasons set forth above in the rejection of claim 1.

Regarding claim 14, Cherrick demonstrated all the elements as applied to claim 13, and further discloses all the elements as in claim 2, therefore, claim 14 is similarly rejected as claim 2.

Regarding claim 15, Cherrick demonstrated all the elements as applied to claim 14, and further discloses all the elements as in claim 3, therefore, claim 15 is similarly rejected as claim 3.

Regarding claim 16, Cherrick demonstrated all the elements as applied to claim 14, and further discloses all the elements as in claim 4, therefore, claim 16 is similarly rejected as claim 4.

Regarding claim 17, Cherrick demonstrated all the elements as applied to claim 13, and further discloses all the elements as in claim 5, therefore, claim 17 is similarly rejected as claim 5.

Regarding claim 18, Cherrick demonstrated all the elements as applied to claim 13, and further discloses all the elements as in claim 6, therefore, claim 18 is similarly rejected as claim 6.

Regarding claim 19, Cherrick demonstrated all the elements as applied to claim 18, and further discloses all the elements as in claim 7, therefore, claim 19 is similarly rejected as claim 7.

Regarding claim 20, Cherrick demonstrated all the elements as applied to claim 19, and further discloses all the elements as in claim 8, therefore, claim 20 is similarly rejected as claim 8.

Regarding claim 21, Cherrick demonstrated all the elements as applied to claim 19, and further discloses all the elements as in claim 9, therefore, claim 21 is similarly rejected as claim 9.

Regarding claim 22, Cherrick demonstrated all the elements as applied to claim 13, and further discloses all the elements as in claim 10, therefore, claim 22 is similarly rejected as claim 10.

Regarding claim 23, Cherrick demonstrated all the elements as applied to claim 13, and further discloses all the elements as in claim 11, therefore, claim 23 is similarly rejected as claim 11.

Regarding claim 24, Cherrick demonstrated all the elements as applied to claim 13, and further discloses all the elements as in claim 12, therefore, claim 24 is similarly rejected as claim 12.

Regarding claim 25, Cherrick discloses an on screen program guide controlled by a microprocessor (figure 1, item 79), which reads on "a first memory storing a plurality of television program listings representing telecast programs, each stored program listing including an associated channel designation" (column 5, lines 64-65), in addition Cherrick discloses a second memory module (figure 1, item 13) coupled with the on screen program guide (figure 7, item 77), which reads on "a second memory storing a last channel designation" (figures 1 and 7), in addition Cherrick discloses a tuner, which reads on "a tuner tuning to a television channel" (figure 1, item 21), in addition Cherrick discloses a display screen (figure 7, 29), which reads on "a display screen displaying a television program in full screen format when in the television

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viewing mode, and the plurality of television program listings and the last channel designation when in EPG mode" (figures 1, and 7), in addition Cherrick discloses an IR receiver (figure 1, item 17), which reads on "an input receiving user selections" (see figure 1), Cherrick also discloses a video processor (figure 1, item 31) connected to memory module (figure 1, item 13), tuner (figure 1, item 21), display (figure 7, item 29), and IR receiver (figure 1, item 17), which reads on "a processor coupled to the first memory, second memory, tuner, display screen, and input" (figures 1 and 7), furthermore, Cherrick discloses a microprocessor (figure 1, item 12), which controls the tuner (figure 1, item 21), the input switch (figure 1, item 64), the video processor (figure 1, item 31), the picture-in-picture circuitry (figure 1, item 20), the on-screen program guide generator (OSPG CPU) (figure 1, item 79), which reads on "the processor is configured to: set the tuner to receive a particular channel in the television viewing mode; display on the display screen a program being telecast on the particular channel in full screen format; change to the EPG mode; store the particular channel in the second memory as the last channel designation when changing to EPG mode; display the last channel designation on the display screen with the program listings in the EPG mode; receive a user selection of either the channel designation of one of the displayed program listings or the last channel designation while in EPG mode; set the tuner to the channel of the selected designation; and return to the television viewing mode to display a program being telecast on the channel to which the tuner is set" (figures 1 and 7).

Regarding claim 26, Cherrick teaches everything as above (see claim 25), in addition Cherrick discloses an on-screen programming guide (77) simultaneously with

an image in the picture-in-picture window (60), which reads on “ wherein the display further displays images of a currently broadcast program simultaneously with the program listings and the last channel designation while in the EPG mode” (figure 7).

Regarding claim 27, Cherrick teaches everything as above (see claim 26), in addition Cherrick discloses an on-screen programming guide (77) simultaneously with an image in the picture-in-picture window (60) and a current broadcast program on the highlighted channel (CH 20), which reads on “ wherein the currently broadcast program is a program telecast on the particular channel” (figure 7).

Regarding claim 28, Cherrick teaches everything as above (see claim 26), in addition Cherrick discloses an on-screen programming guide (77) simultaneously with an image in the picture-in-picture window (60) and a current broadcast program on the highlighted channel (CH 20), which reads on “ wherein the currently broadcast program is a program selected from the displayed program listings in the EPG mode” (figure 7).

Regarding claim 29, Cherrick teaches everything as above (see claim 25), in addition Cherrick discloses an on-screen programming guide menu (77) wherein the highlighted channel (CH 20) remains in a fixed position, which reads on “the processor further configured to maintain the last channel designation remained in a fixed position on the display screen” (figure 7).

Regarding claim 30, Cherrick teaches everything as above (see claim 29), in addition Cherrick discloses an on-screen programming guide menu (77) wherein the highlighted channel (CH 20) remains in a fixed position and can allow user to highlight and display other channels in the picture-in-picture window by scrolling up or down

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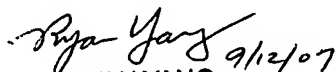
using remote control (figure 2. item 16) (figure 2, items 24a and 24c), which reads on "the processor further configured to change the displayed program listings while continuing to display the last channel designation" (figures 2 and 7).

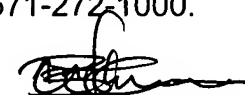
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Bantamoi whose telephone number is 571 270 3581. The examiner can normally be reached on MON.-FRI. 7:30-5:00 EST..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jefferey Harold can be reached on 571 272 7519. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
RYAN YANG  
PRIMARY EXAMINER

  
Anthony Bantamoi  
Examiner  
Art Unit 2609

AB